

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Teruo Amoh et al.

Application No.: 10/599,036

Confirmation No.: 3301

Filed: September 18, 2006

Art Unit: 2894

For: SEMICONDUCTOR LIGHT EMITTING
ELEMENT MOUNTING MEMBER, AND
SEMICONDUCTOR LIGHT EMITTING
DEVICE EMPLOYING IT

Examiner: A. Belousov

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As required under 37 CFR § 41.37, an Appeal Brief was filed February 11, 2010. A Notice of Notification of Non-Compliant Appeal Brief was issued on March 2, 2010. This response is being filed within one month of the Notification of Non-compliant Appeal Brief in compliance with 37 CFR § 41.37.

The Notice indicates that the Appeal Brief did not contain a statement of the status of all claims as required by 37 CFR § 41.37. In particular, the brief did not indicate the status of cancelled claims 2 and 5 in the status of claims section.

In order to overcome the objection to the brief, a Substitute Brief is being filed concurrently herewith. In this Substitute Brief, the section entitled: "III. Status of claims" has been amended to make the following recitation:

A. Total Number of Claims in Application

There are 11 claims pending in this application.

B. Current Status of Claims

1. Claims canceled: claims 2 and 5 were previously canceled.
2. Claims withdrawn: None
3. Claims pending: 1, 3, 4 and 6-13
4. Claim allowed: None
5. Claims rejected: 1, 3, 4 and 6-13

C. Claims on Appeal

The claims on Appeal are 1, 3, 4 and 6-13

CONCLUSION

For the foregoing reasons, the Brief is now in compliance with the Rules. It is respectfully urged, that in view of the Substitute Brief, claims 1, 3, 4 and 6-13 should be allowed.

Dated: March 19, 2010

Respectfully submitted,

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